

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Kleino, Thomas D.

Application No.: 10/649,139 Group No.: 3637

Filed: August 27, 2003 Examiner: M. Tolin

For: VIBRATIONAL REDUCTION SYSTEM FOR AUTOMOTIVE VEHICLES

Attorney Docket No.: 1001.039C1

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Declaration Under 37 CFR 1.132 of Thomas D. Kleino

- 1) I am presently employed as Director of Sales and Marketing by L&L Products, Inc. (L&L), which is the exclusive licensee to a commonly owned company named Zephyros and licensor, of the above patent application, on which I am named as an inventor.
- 2) I hold a Bachelor of Science degree in Marketing & Management from Northwood Institute, which I received in 1986.
- 3) I have been employed at L&L continuously since 1991, and specifically I have been engaged in sales and marketing, and also incidentally in engineering and development since 1991 of new products for Acoustic, sound damping and vehicle structure. I am named on 7,249,415 and 6,634,698 patents.
- 4) In connection with this Declaration, I have read this patent application, along with the claims that I understand are presently pending, and which I attach as **Exhibit A**.
- 5) I have studied U.S. Patent No. 5,358,397 (**Exhibit B**; "397 patent"), which names Ligon, Carter, and Hauptli as inventors.

- 6) The 397 patent is directed to what is called an "APPARATUS FOR EXTRUDING FLOWABLE MATERIAL," which is commonly owned by L&L.
- 7) I have studied U.S. Patent No. 5,266,133 (**Exhibit C**; "133 patent"), which names Hanley and Boos as inventors.
- 8) The 133 patent is directed to what is called a "DRY EXPANSIBLE SEALANT AND BAFFLE COMPOSITION AND PRODUCT."
- 9) The subject technology of the present patent application, including the subject of **Exhibit A**, has been licensed in an agreement with another company (Company).
- 10) Since 2003, Company, exclusively licensing this technology, has started to commercialize the technology by offering door beam products that have the features of the patent application. Attached as **Exhibit F** is an example of some L&L promotional literature that features the expandable material technology, which is sold under the designation Silent Beam®. See also, [http://www.llproducts.com/sealing\\_2.html](http://www.llproducts.com/sealing_2.html) as accessed (March 10, 2008).
- 11) Since 2003, I estimate that Company/L&L sold about 8 million door beams incorporating the technology of the present invention.
- 12) I believe this commercial success is due to: the ability to directly extrude an expandable vibration damping material in bonding contact with a door reinforcement and expanding the expandable vibration damping material to fill the cavity between the door reinforcement and an exterior panel for bonding the door reinforcement to the exterior panel structure of the door assembly while maintaining the expandable vibration damping material in place along a side portion of the door reinforcement that is generally opposing the exterior panel structure so as to reduce vibration characteristics of the door assembly as incorporated in the present invention; and to the ability to directly extrude an expandable vibration damping material in a viscoelastic state to bond with a door reinforcement, while becoming substantially dry and tack free upon bonding to the door reinforcement as incorporated in the present invention. These are characteristics cited in the claims.
- 13) To my knowledge, prior to August, 2000 and the present invention, extrusion of expandable material followed by mechanical fastening of that strip to the beam was believed to be the most efficient and effective technique for providing such a strip in a beam, particularly in those situations where expandable material was not a pumpable material and where the door beam needed to be transported after application of the strip to the beam.

14) To my knowledge, prior to August, 2000, there has not been an extrusion of expandable material directly onto a beam that would provide a bond between the material and the beam that is sufficient in strength to withstand transportation and assembly conditions that are present in the extruded material claimed in the present application. Examples of these conditions include, but are not limited to variations in temperature, contacting the bonded beams against vehicle components during installation, and shaking of the bonded beam (from within a vehicle) during transporting the vehicle to a dealership or during operation of the vehicle, each while maintaining the bond and placement of the material to the beam, prior to, during, and after expansion of the material.

15) Before the present invention, I believe it was common knowledge of those in the expandable adhesive material industry that previous expandable material were prone to sagging during application and/or expansion due to the forces associated with transporting the door beams and/or operation of vehicles including these door beam. As a result, manufacturers and designers of expandable adhesive materials were discouraged from directly applying expandable materials using extrusion and were skeptical that such extruded material would reduce sag.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
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Thomas D. Kleino

Dated: APRIL 3, 2008